

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN WILSON,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	NO. 06-2302
	:	
MARILYN S. BROOKS, et al.,	:	
Respondents.	:	

**ORDER**

Petitioner has filed objections to Magistrate Judge Peter B. Scuderi's Report and Recommendation claiming that his judgment for purposes of the habeas statute of limitations did not become final until May 12, 2006, but he is incorrect. He has also not established a basis for equitable tolling.

After carefully considering petitioner's objections, and upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is DISMISSED.
3. There is no basis for the issuance of a certificate of appealability, because petitioner has failed to make a substantial showing of the denial of any constitutional right.

IT IS SO ORDERED this 6<sup>th</sup> day of November, 2006.

BY THE COURT:

s/ Ronald L. Buckwalter, S. J.  
RONALD L. BUCKWALTER, S.J.